

*IMO Marie Rowan and Emma Williams, Substance Abuse
Counselor 2 (C0408E), Monmouth County*
DOP Docket No. 2004-311
(Merit System Board, decided January 7, 2004)

The Personnel Officer, Monmouth County, on behalf of Marie Rowan and Emma Williams, appeals the determination of the Division of Selection Services, which found that they were below the minimum requirements in education for the open competitive examination for Substance Abuse Counselor 2 (C0408E), Monmouth County. These appeals have been consolidated due to common issues presented.

The subject examination was announced with a closing date of February 5, 2003. The requirements were a Bachelor's degree from an accredited college or university, supplemented by 30 semester hour credits in social work, sociology, health, nursing, psychology, rehabilitation, or counseling, or any combination thereof, and one year of experience in counseling or social work having responsibility for gathering and analyzing social or health information from clients, the determination of their needs, and the planning and carrying out of treatment plans geared to the needs of individual clients. Applicants who successfully completed the required coursework specified above could substitute additional experience as indicated for the remaining education on a year-for-year basis. A total of 36 applicants applied for the subject unassembled examination that resulted in an employment roster of 13 eligibles with an expiration date of June 18, 2006.

Ms. Rowan indicated on her application that she was serving provisionally in the title under test from July 2002 to the closing date. From November 2000 to July 2002 she was a Substance Abuse Counselor with Preferred Behavioral Health Children's Services and from December 1992 to March 2000 she was a Substance Abuse Counselor with Meridian Health Systems. Ms. Rowan was an Addictions Counselor with Bernadette Brewer Counseling Center from April 1991 to October 1992 and was a Substance Abuse Counselor with Monmouth Medical Center between November 1987 and September 1990. Between March 1985 and October 1987 she was an Alcohol and Drug Counselor with New Hope Foundation and from May 1978 to March 1985 she was an Alcohol and Drug Counselor with Schaffer Treatment Center. Ms. Rowan attended Ocean County College majoring in Social Work, but indicated her coursework was "incomplete." Ms. Rowan is a Certified Alcohol and Drug Counselor and an Internationally Certified Alcohol and Drug Counselor. The Division of Selection Services credited Ms. Rowan with nine years and five months of relevant experience but determined that she did not demonstrate completion of the 30 required college credits.

Ms. Williams indicated on her application that she was serving provisionally in the title under test from March 2002 to the closing date. From September 1997 to February 2002 she was a Primary Counselor for New Hope Foundation and between October 1995 and April 1997 she was a Home Visitor Peer Counselor with the Easter Seal Society of New Jersey. Ms. Williams did not indicate completion of any college credits. The appellant is a Certified Alcohol and Drug Counselor and an Internationally Certified Alcohol and Drug Counselor. The Division of Selection Services credited Ms. Williams with five years and five months of relevant experience but determined that she did not demonstrate completion of the 30 required college credits.

On appeal, the Personnel Officer states that when the examination was announced on the Department of Personnel (DOP) website, the requirements of the job specification were different than those requirements indicated in the current manifestation of the job specification. Specifically, she states that at the time preceding the announced closing date, the substitution clause in the job specification indicated that “[a]pplicants who do not possess the required education may substitute additional experience as indicated on a year-for-year basis.” However, when she discovered that the appellants were rejected from the examination, she researched the job specification and found that the substitution clause changed to “[a]pplicants who have successfully completed the required courses above could substitute additional experience as indicated on a year-for-year basis.” The Personnel Officer also notes that the dates on the original and amended job specification were November 16, 2002. Thus, she reasons that the newer version of the job specification was utilized to evaluate the credentials of the appellants. Therefore, she requests that the appellants’ credentials be reexamined with respect to the requirements that were in place as of the announced closing date.

N.J.A.C. 4A:4-2.3(b) provides that applicants for an open competitive examination shall meet all specified requirements by the announced closing date. *N.J.A.C.* 4A:1-1.2(c) sets forth that the Merit System Board may relax a Department of Personnel rule for good cause in a particular situation.

CONCLUSION

Technically, it was correctly determined that both appellants did not meet the educational requirement since neither appellant demonstrated completion of the required credits on their original application or on appeal. A review of the title history demonstrates that in February 2003, the Division of Human Resource Management determined that the substitution clause in the job specification for Substance Abuse Counselor 2 (63114) was incorrect. Specifically, the substitution clause only indicated that additional experience could be substituted on a year-for-year basis for the required education. However, the substitution clause should have only allowed a substitution of experience for education for all *but* the 30 specialized

credits. Although the dates on the job specification were not updated, the job specification was corrected to reflect completion of the 30 required specialized credits in order to trigger the substitution clause for the remaining education. When a job specification requires a degree in a specified field *or the completion of a number of credits in a specified field*, a basis on which an eligibility determination can be made needs to be provided with the application. Thus, without a transcript or a listing of the courses that an applicant has completed, the Division of Selection Services has no basis on which to determine if an applicant possesses the required specialized degree or credits. See *In the Matter of Gerald Siwiec*, (Merit System Board, decided August 12, 2003). Thus, per the substitution clause, each candidate would be required to demonstrate at least four years of relevant experience and completion of the 30 required specialized credits.

In the matter at hand, a review of the record demonstrates that equitable relief is warranted in this situation. Each appellant has well over five years of the required experience and is currently serving provisionally in the title under test. Additionally, the Personnel Officer for Monmouth County has expressed her support of these appeals and each appellant is a Certified Alcohol and Drug Counselor and an Internationally Certified Alcohol and Drug Counselor. Under these unique circumstances, good cause exists to relax the educational requirement and accept appellants' work experience in lieu of the 30 required specialized credits.

ORDER

Therefore, it is ordered that this appeal be granted and the appellants' applications be processed.